

REMARKS

Claims 3 and 12 have been cancelled without prejudice.

Claims 1, 4, 10, and 13 have been amended.

Claims 1, 2, 4-11, and 13-20 are pending in the application.

Paragragp [0001] of the specification has been amended now to indicate the correct government contract number.

The Office objected to claim 1 because each claim should contain only one capitalized word. Claim 1 has been amended now to correct this informality.

The Office rejected claims 1, 2, 6-11, and 15-18 under 35 U.S.C. 102(b) as being anticipated by Denison et al 4,095,865. Claim 1 has been amended to include the limitations of original claim 3, "wherein the diameter of the protective conduit is narrowed to provide improved contact between the protective conduit and the transmission line." Denison et al 4,095,865 does not teach or show narrowing the diameter of the protective conduit to provide improved contact between the protective conduit and the transmission line; therefore, Applicants believe that amended claim 1 is now allowable with respect to Denison et al 4,095,865. Accordingly, claim 3 has been canceled.

In a similar manner, Applicants have amended claim 10 to include to include the limitations of original claim 12 "narrowing the diameter of the protective conduit to provide improved contact between the protective conduit and the transmission line." As explained above Applicants believe that amended claim 10 is now allowable with respect to Denison et al 4,095,865. Since claims 2 and 6-9 depend from amended base claim 1 and claims 11 and 15-18 depend from amended base claim 10, the Applicants respectfully submit that claims 2, 6-9, 11 and 15-18 are also allowable. Accordingly, claim 12 has been canceled.

The Office rejected claims 1, 2 and 6-9 as being rejected under 35 U.S.C. 102(e) as being anticipated by Hall et al 2005/0045339. As described above, claim 1 has been amended to now state that the diameter of the protective conduit is narrowed to provide improved contact between the protective conduit and the transmission line. This limitation is not shown or taught by Hall et al 2005/0045339. Applicants respectfully submit that amended claim 1 is now allowable over Hall et al 2005/0045339, as are dependent claims 2 and 6-9.

The Office rejected claims 3-5, 19, and 20 under 35 U.S.C. 103(a) as being obvious over Hall et al 2005/0045339 in view of Hall et al 2005/0067159.

The Office also rejected claims 3-5, 12-14, 19 and 20 under 35 U.S.C. 103(a) as being obvious over Denison et al in view of Hall et al 2005/0067159.

Applicants believe that the reference of Hall et al 2005/0067159 (USSN 10/605,373) is not available as a reference under 35 U.S.C. 103(c) as prior art under 35 U.S.C. 103(a), as the present application and the reference were commonly owned or were subject to an obligation of assignment by the inventors to a common person at the time the invention was made.

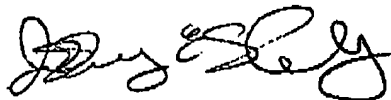
Specifically, the inventors of both the reference and the present invention were subject to an obligation to assign their inventions to Novatek, Inc. at the time the invention was made. This is evidenced by their later assignment to Novatek, Inc. recorded at Reel/frame Nos. 014613/0085 and 015189/0281 respectively.

Applicants believe, therefore, that since Hall et al 2005/0067159 is not available as a reference, the above rejections under 35 U.S.C. 103(a) are moot.

In view of the arguments and amendments made herein, Applicants respectfully submit that the application is now in condition for allowance. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is believed that no fees are due at this time. However, the Commissioner is hereby authorized to charge any fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to the same Deposit Account 180584. If there are any questions concerning the above, please contact the undersigned at 281-878-5658.

Respectfully submitted,



Jeffery E. Daly
Reg. No. 44,640

IntelliServ, Inc.
400 N. Sam Houston Prkwy East
Suite 900
Houston, TX 77060
Ph: 281-878-5658
Fax: 281-878-5720
e-mail: jeffery.daly@grantprideco.com

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

11/4/05
Date

Signature 